**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.2979 OF 2004**

M/s.Intech Overseas Projects
(India) Pvt. Ltd. ..Petitioner
Versus

The Union of India & Ors.....Respondents

Mr. Vikram Nankarni with Mr. Naresh S. Thacker for petitioner

Mr.R.C.Master with Mr.P.S.Jetly for Respondents

**CORAM: F.I. REBELLO & S.P.KUKDAY, JJ.**
**DATE : 31st March,2005**

**P.C.:**

. It is the grievance of the petitioners that though they have preferred an Appeal, the Appeal has not yet been heard and disposed of. They have also applied for waiver of deposit.

2. According to the learned Counsel for the Respondents the appeal is filed under Section 17 of the Foreign Exchange Management Act 1999. The Appellate Authority under Section 17 is Special Directors (Appeals). Counsel for the petitioners contends that as per his information that post is vacant and the additional charge has been to an Officer from Income Tax Department. Considering that it will be open to the petitioner herein to move the Appellate Authority within two weeks from today for necessary reliefs including waiver. Till such time the respondents are directed not to take any action for recovery against the petitioners.

3. On behalf of the Revenue learned Counsel contends that the Appeal is filed before the Appellate Authority which is not competent to hear the Appeals. We are not called upon to decide that controversy. It is for the Appellate Authority to decide whether he has jurisdiction or not.

4. With the above direction petition stands disposed of. No order as to costs.

**(F.I. REBELLO, J.)**

**(S.P. KUKDAY, J.)**